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## ABSTRACT

The teaching of law and education for a law abiding behavior have without doubt been neglected in the German educational system. If schools have the task to teach students that they should become involved in a democratic society, that it is worth the effort to get involved in a democracy, then schools must teach their students the concepts and values that are fundamental to a democratic constitutional state. Of course, democracy and the rule of law are subjects that are talked about in class, but very often teachers only mention the institutions and explain the functioning of the different powers without reference to experiences the students might have had or the world in which they live. To list the various elements of the rule of law and government by the people without any link to the students' experience or to current political affairs is not very useful from an educational point of view. The common way to improve the situation in schools is to collect information and texts and make them available through government agencies. Perhaps new information and communication technologies like the Internet offer better opportunities. More and more teachers use the Internet for the preparation of lessons or for investigations into problems. The German state of Northrhine-Westphalia's "Learn-line" is one education platform with an interesting and helpful structure which is a promising instrument for schools. A fictitious case ("State governed by the rule of law") illustrates the instructional procedure. (Contains a diagram of Learn-line and a 3-item bibliography.) (BT)

## Education for Engagement in Political and Democratic Life:

## Responsibilities of the Schools

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**Conference on 'Engagement in Political and Civic Life: Democratic Ideas and  
Democratic Dispositions' - Valley Forge, October 5-9, 1998**

**Education for Engagement in Political and Democratic Life:  
Responsibilities of the Schools**

**By Bernhard Limbeck**

At the beginning of my considerations I would like to refer to our Schwerin Conference in 1997. Its title was: "Promoting Legal Literacy and the Rule of Law in a Democratic Society." The title of this conference in Valley Forge: "Engagement in Political and Civic Life" reflects the next logical step: From development and dispositions to engagement—that means from ideas to action.

At the end of the Schwerin Conference Professor Hantsche said in her observations and recommendations: "The conference has shown very clearly that democracy does not only depend on the existence of democratic principles or the mechanical functioning of a democratic institutions. Moreover, legal literacy and the rule of law are the fundament of a democratic society. Without this literacy there is no democracy." And she added: "One reason for the lack of law as a subject in schools is that the facts are very often complicated and formal—at least for those not familiar with law."

I agree with these observations of Professor Hantsche. Law education (and law as a subject) does only exist in a few schools in Germany. Law is sometimes taught in the framework of other subjects like politics or history. The teaching of law and education to a law abiding

behavior have without doubt been neglected in the German educational system.

As a consequence of her observations Professor Hantsche said: "It would be fine to constitute small groups on a national basis which develop a curriculum out of case studies. These lessons should be practice-oriented and therefore the members of these national groups should determine precisely the age of the students, the aims of the lessons, the steps of teaching and learning, and they should develop appropriate teaching."

And some weeks later, she suggested in a paper to take the following steps:

1. To work out a catalogue of teaching units.
- To promote didactic-methodical publications.
- To develop media to support teaching.
- To work together with associations of teachers, judges, solicitors, et. al.
- To organize an advanced training of teachers, students, et. al.

The concept of Professor Hantsche corresponds to the considerations that a team of the teachers' association for law education (VDR) has agreed on. They have been discussed and put in concrete terms with Mr. Arnold and Mr. Kiefer from the Federal Center of Political Education (Bundeszentrale für politische Bildung).

Therefore, the following thoughts can be seen as a follow-up to the Schwerin Conference. But they are also the preconditions to what is being discussed here in Valley Forge: The Engagement in Political and Civic Life.

If schools have the task to teach students that they should become involved in a democratic society, that it is worth the effort to get involved in a democracy, then schools must teach their students the concepts and values that are fundamental to a democratic constitutional

state. Of course in a pluralistic society like Germany, the catalogue of values and their evaluation (which the schools are supposed to teach) are controversial. Consequently, binding standards and values can only be laid down on the basis of a general agreement that is broadly accepted by the population and the influential social groups. This basic agreement can be found in the system of values which is the cornerstone of the German Constitution (*Grundgesetz*). This system of values includes a catalogue of basic rights and duties, private autonomy, private property, the guarantees for family, press, etc. These fundamental decisions which follow the principle of justness are the basis of a well-ordered cooperation in a democratic constitutional state. They are also the groundwork for the education of a citizen who behaves and acts according to his social responsibility.

In my opinion, this rather indispensable education to form a socially responsible citizen has not been achieved by our schools until today.

Of course, democracy and the rule of law are subjects that are talked about in class, but very often the teachers only mention the institutions and explain the functioning of the different powers without reference to experiences the students might have had or to the world in which they live. To list the various elements of the rule of law and government by the people without any link to the students' experience or to current political affairs is not very useful from an educational point of view. In addition, a lot of teachers who are not really qualified to teach law are afraid of getting lost in this complicated field. They are afraid of not being able to answer the students' questions and fear to be looked down on as an amateur. Consequently, in class a lot of teachers confine their explanations in these subjects to diagrams and illustrations when they talk about different types of courts, the process of bringing in and passing a bill, the rule of law, etc.

However, the teachers do not take into account that teaching law is more effective if they refer to examples from the real world and to current political problems. The teachers' behavior is understandable, but they neglect the fact that it is the legal problems that are of interest to a lot of young people. It is typical of young people to confront their teachers with a variety of questions that are not put forward in any other lesson. My experience shows that good opportunities are wasted here.

What can be done to improve this situation that does not satisfy us? Schools and teachers must submit proposals to improve the above mentioned situation.

### **1. Collection of Texts**

The common way to improve the situation in schools that was also complained about in the Schwerin Conference is to collect information and texts and make them available to schools and teachers through the Federal Center for Political Education, the State Centers for Political Education, or the Departments of Education of the states. However, this method has one big disadvantage: it takes a lot of months, maybe years until the final paper can be published. This means the indispensable connection to the students' situation in real life and to current affairs is hardly possible. Examples that these publications refer to are inevitably outdated. This is definitely true for a revised edition that is published two or three years later. Papers and loose-leaf editions do not solve the problem either: Even here, the information is often outdated before it reaches the hand of the teacher.

### **2. New Media**

The question is whether new information and communication technologies like the Internet offer better opportunities in the situation as it is described above. The question is

whether the new media provide the potential to improve the quality of teaching. Do they take into account the students' experience, the real world outside, which is - as I said before - necessary for an effective education in law?

### **2.1: Situation in Germany**

In most of the states of the Federal Republic of Germany, increasing efforts are being made to install personal computers in schools. The Federal Department for Research and Technology cooperates with the German Telekom to start a project that links more and more German schools to the Internet.

However, we have to bear in mind that compared to the United States, the situation in Germany is not satisfactory when talking about the installation of personal computers and modern information and communication technologies in schools. The schools, especially many high schools, are not well-equipped as far as computers are concerned. The vocational schools are definitely in a better position.

### **2.2: Offers in some states**

In Northrhine-Westphalia—the most densely populated state in Germany (17 million inhabitants)—the State Department for Schools and Education has started an initiative under the programmatic title 'Schools in NRW to the Internet - communication worldwide'.

It is the aim of this initiative to install gradually in all schools personal computers, Internet access including ISDN phone connections and to find out whether these new technologies lead to a better quality of learning and teaching. Additionally, this program is started with the intention to improve the handling and the use of the new media by the students. Similar programs are initiated in other German states.

It is a fact that more and more teachers make use of the Internet, especially for the preparation of lessons or for investigations into problems; this tendency is likely to be stronger in vocational schools.

### **2.3: Schools to the Internet?**

The Internet is the most important civil system for communication and information world-wide. It is (potentially) an excellent source for teachers and students to make inquiries for lessons.

But there are also significant problems in using the Internet for school purposes: there is a big gap between what the schools need and what they can get in the Internet.

Let me describe this problem in a picture:

For schools, personal computers are like tickets and the net provides access to the biggest permanently running and developing fair of the world—the Internet. If schools visit this fair they will see a fair in full action with thousands of exhibition stands and an enormous number of visitors. But what is missing: there is no fair authority, there is no central office, there are no guides. The information systems are not very helpful. They provide support only if you know what you are looking for. If teachers and students go and visit the exhibition stands they see things that are surprising, interesting, thrilling, grotesque, and absurd. And they also see things that are impertinent, unacceptable, horrible, and criminal. And the users will notice that this is not a fair but a bazaar. There are many ugly and dark corners. (I think our American friends know this better than we do!)

As a result I would say the Internet is non-transparent, and often it is not effective. I think the value of the Internet for school purposes (with the exception of e-mail-functions and

interactive cable) is limited.

What we need are more special offers for school purposes. Several states in Germany are developing different offers.

#### **2.4: Learn-line NRW (<http://www.learn-line.nrw.de>), the education server of the Department for Schools and Education of the state of Northrhine-Westphalia**

The state of Northrhine-Westphalia started with the introduction of the server Learn-line in 1996. The initiators describe the pedagogical concept as a 'virtual house for learners'.

Learn-line is part of the state program 'Schools to the net - communication worldwide'. This program helps schools to make their own experiences with new media and to improve the media-knowledge and media-competence of teachers and students. The project wants to support learning in wide learning-arrangements which is self-determined, self-controlled, responsible and effective. They want to give learners better and more updated information which is closer to their individual interests and their experience. Learn-line offers a framework of experiments, exploration, communication and cooperation. So users can start dialogues, they can work together on different projects, and they can make common decisions. Learn-line (so the initiators) is an education-platform for information, communication, and cooperation in the net.

### **3. The Structure of Learn-line**

In Learn-line we find different fields (for example: Social Sciences, Foreign Languages, Mathematics and Natural Sciences, etc.). Within these fields are different subjects (for example: Third World, Women in the World of Work, the Rule of Law, Literature for students - new editions, etc.). Moreover there are basic components for information and communication ('Mediothek' = information and material, 'Noticeboard', 'Lounge', 'Class Room', 'Conference

Room', 'Workshop').

- In the '**Mediothek**' we can find information and material which are basic for the subjects of the field. Or there is information on a certain subject which makes people think about this subject or work on the subject (texts, pictures, videos, movies, radio-plays).
- On the **Noticeboard** users can ask questions on a subject. Or they can give answers to questions which were asked on the noticeboard. Or they can come into contact to other users. The noticeboard is like an information-exchange for the subject referred to.
- In the **Lounge** the users of Learn-line organize their projects. Moreover it is a platform for those who want to participate in a subject. Here they can give information about their work and the results of their work.
- **Class room, Conference room and Workshop** are meeting points. In the Class room users of Learn-line have online-talks about their subject. In the Conference room they have video conferences. In the workshop users work together on documents or they bring together what they had produced alone.

The makers of Learn-line are looking for persons, groups, institutions, universities, teachers' training colleges, teachers' associations, parents, government departments, publishers, theaters, museums, etc., who are ready to build up, to maintain and to update a subject. These persons and institutions are requested to engage themselves as promoters. These promoters must have competence on their subject and they must be ready to initiate, to organize, to moderate and to counsel an educational process. Above all they are responsible for the input of information and material to the 'mediothek'. The setup and the development of Learn-line are the tasks of all promoters. They are supported by specialists of district information centers for new technologies

where they become familiar with the technological basis for their work with the education server.

The concept of this education server is to offer a fast and effective instrument with relevant information for teaching and learning and strict rules.

Learn-line is without any doubts a promising instrument for schools with an interesting and helpful structure. But at the moment there is one big gap: only a few subjects, only a few promoters, many announcements but little substantial material. Nevertheless users should not condemn this server too early. The structure of Learn-line avoids a lot of restrictions which we have when using print-media. The modest beginning of this education server can also be seen as an advantage: At the moment there is no danger for new promoters to make a fool of themselves.

#### **4. Final Result**

The problem that we have if we want to offer new and realistic material for legal education and the rule of law can be reduced by using this education server.

Therefore the teachers' association for law education intends to promote in a first step the subject 'State governed by the Rule of Law'.

We think that the use of Learn-line or other similar education servers could be a first step to reduce the deficits that we complained about here in Valley Forge and before at the Schwerin Conference.

#### **5. A Possible Structure and Instructional Method for this Subject**

Following is an example for the structure of this subject.

**Subject: State governed by the rule of law - structure****Initial case:**

In the city of Newtown citizens feel threatened by a huge increase of theft, robbery and drug dealing on the streets and in the parks of the town. Worried citizens - among them some young people - set up the citizens' action group called "Civil action group Newtown". The members intend to increase safety by regular patrols by day and by night. During their patrols the members of the civil action group want to wear uniforms and they want to be equipped with handies. Some people suggest, to arm the volunteers with blank guns and sticks.

**Questions and tasks concerning the initial case**

- What do you think about the idea of setting up a citizens' action group? What is positive, what is negative about it? Have a discussion with other students about this subject. Find arguments and discuss them. Choose a moderator for your discussion.
- Could you imagine that a similar initiative will be started in your hometown? Give reasons for your answers.
- Could you imagine to join a citizens' action group if there was an initiative in your hometown in a situation that can be compared to the Newtown situation?
- Do you have objections or doubts concerning this citizens' action group? Give reasons for your answers.
- Go to the local police and to the staff of the local administration and ask them for their opinion about the Newtown citizens' action group.
- Go to judges, to attorneys, to solicitors and ask them what they think about citizens' action groups from a legal point of view.

- The two main characteristics of a state governed by the rule of law are the monopoly of the state in the legitimate usage of power and the separation of powers. Look for information about these characteristics and consider whether they are compatible to the setting up of citizens' action groups.

#### **Suggestions to teachers:**

At the beginning this initial case is to be seen under political aspects. Legal aspects should be discussed to a larger extent (justice, monopoly of the state in the legitimate usage of power, separation of powers, commensurability, assessment of citizens' action groups by legal policy).

#### **First extension of the initial case**

Because of the increasing rate of juvenile delinquency the citizens' action group calls for nightly curfews for kids under 18 after 9 p.m. and for those between 18 and 21 after 11 p.m.

#### **Questions and tasks concerning the first extension**

- Think about arguments for and against a nightly curfew for young people.
- Discuss the call for nightly curfews (in the form of German tv-shows like "Pro and Contra")
- Write a letter-to-the-editor of the local newspapers of the city of Newtown giving arguments in favor of the request/against the request.
- Which legal questions and problems result from the suggestions of the citizens' action group. Look for rules in the German Grundgesetz (German Constitution) and in the "law for the protection of young people in public life".
- Inform yourself about the rights and duties of your people.
- In the constitution of the Federal Republic of Germany you can find human rights and civil

rights (in paragraphs 1 to 20). Inform yourself about the range of protection that the human rights provide. Which paragraphs would be affected by a nightly curfew?

- Would it be legal if the administration of Newtown imposed a curfew for young people?
- Would it be possible for young people to defend themselves against a curfew imposed by the local administration?

**Suggestions for lessons (teachers):**

Separation of powers, commitment of the administration to law, basic rights, human rights as rights of defense against the state, security of the law, commensurability of decisions of the state. . .

**Extension of the initial case**

During a first test of nightly patrols the citizens' action group observes three young suspects near a jeweler's shop. The members of the citizens' action group arrest them and call for the police. The police arrives half an hour later. The young people strongly protest against this treatment.

**Questions and tasks concerning the second extension**

- What do you think about the behavior of the citizens' action group?
  - a) from the young people's point of view
  - b) from the point of view of the citizens' action group
  - c) from a legal point of view
- Are there possibilities for the arrested young people to take legal action against this treatment by the citizens' action group?

**Suggestions for the teachers**

✓ Protection provided by human rights, separation of powers, protection by courts, types of courts, structures and organizations of courts, guarantee of legal proceedings, legal procedure

**Material and information which is needed for the 'Mediothek'**

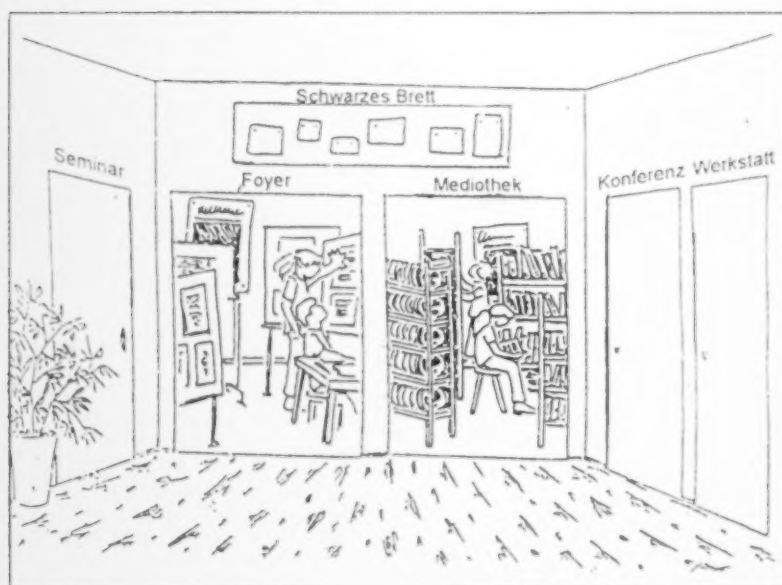
- newspaper articles
- TV programs (broadcasts)
- Interviews
- Court decisions
- Legal commentaries
- Links to data banks/base



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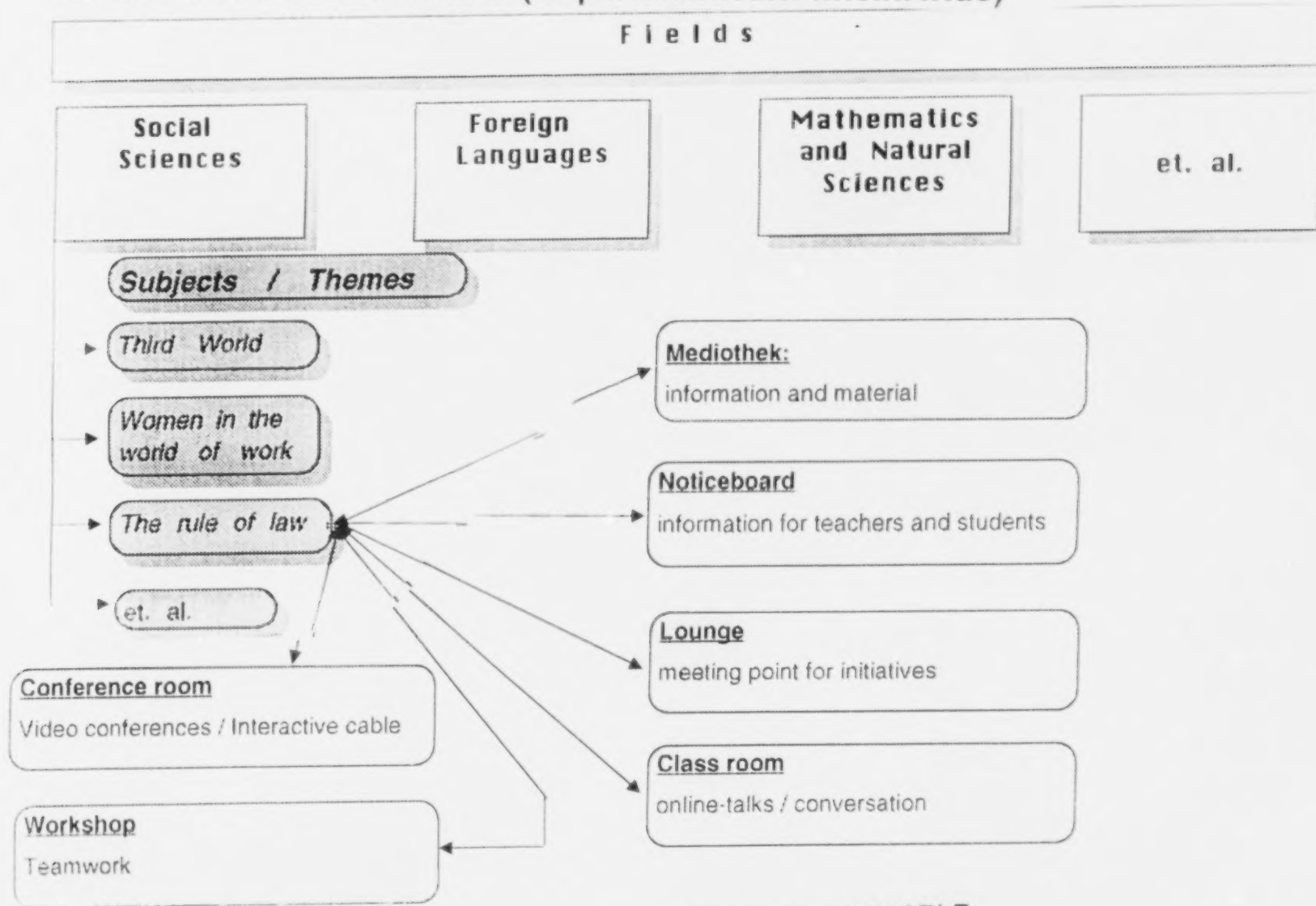
**NRW.**

## Die pädagogische Konzeption des NRW-Bildungsservers Kurzfassung



[http:// www.learn-line.nrw.de](http://www.learn-line.nrw.de)

## Structure of Learn-line NRW (<http://www.learn-line.nrw.de>)



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